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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Secretary-General

Summary

The present report is submitted pursuant to the request of the General Assembly in its resolution 71/144. Nineteen Member States and the International Committee of the Red Cross transmitted to the Secretary-General the information requested by the Assembly in that resolution. A list of States parties to the Additional Protocols of 1977 and 2005 is contained in the annex to the report.

* A/73/150.

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Contents

		Page
I.	Introduction	3
II.	Information received from Member States	3
	Austria	3
	Belgium	4
	Brazil	4
	Cuba	5
	El Salvador	6
	Finland	6
	Honduras	6
	Lebanon	6
	Luxembourg	7
	Montenegro	7
	Paraguay	8
	Peru	8
	Qatar	9
	Russian Federation	10
	Slovenia	10
	Spain	11
	Switzerland	12
	Ukraine	12
	United Kingdom of Great Britain and Northern Ireland	13
III.	Information received from the International Committee of the Red Cross	14
Annex		
	List of States parties to the Additional Protocols of 1977 and 2005 to the Geneva Conventions of 1949 as at 26 April 2018	17

I. Introduction

1. In paragraph 11 of its resolution 71/144, the General Assembly requested the Secretary-General to submit to it, at its seventy-third session, a comprehensive report on the status of the Additional Protocols relating to the protection of victims of armed conflicts and on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross (ICRC).

2. Pursuant to that request, the Secretary-General, by notes verbales dated 16 January 2017 and 5 March 2018 and letters dated 11 January 2017 and 2 March 2018, invited Member States and ICRC to transmit to him, by 1 June 2018, the information requested for inclusion in the present report.

3. Information has been received from the following Member States: Austria, Belgium, Brazil, Cuba, El Salvador, Finland, Honduras, Lebanon, Luxembourg, Montenegro, Paraguay, Peru,[1] Qatar, the Russian Federation, Slovenia, Spain, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

4. The report was prepared based on information submitted by Member States and ICRC and should be read together with previous reports of the Secretary-General under this item.[2]

5. Summaries of the information submitted by Member States are contained in section II of this report and a summary of the information submitted by ICRC is presented in section III. The full texts of information received for the purposes of this report and for previous reports under this item since the fifty-fifth session of the General Assembly are available on the website of the Sixth Committee of the General Assembly (www.un.org/en/ga/sixth/).

6. The list of all States that are parties to the Additional Protocols of 1977 and of 2005[3] to the Geneva Conventions of 1949[4] as at 26 April 2018 is contained in the annex to the report.

II. Information received from Member States

Austria

[Original: English]
[31 May 2018]

Austria reiterated the information it submitted previously (see A/71/183), and reported that, in addition, it signed the Treaty on the Prohibition of Nuclear Weapons in 2017 and ratified it in 2018. Austria also facilitated the discussion on the jurisdiction of the International Criminal Court over the crime of aggression and supported proposed amendments to article 8 of the Rome Statute of the Court to extend the its jurisdiction over three crimes to non-international armed conflicts.

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[1] Peru submitted information pursuant to General Assembly resolution 69/120 of 10 December 2014.

[2] See, for instance, A/71/183 and A/71/183/Add.1; A/69/184 and A/69/184/Add.1; A/67/182 and A/69/182/Add.1; A/65/138 and A/65/138/Add.1; A/63/118 and; A/63/118/Add.1; A/61/222 and A/61/222/Add.1; A/59/321; A/57/164 and A/57/164/Add.1; A/55/173, A/55/173/Corr.1, A/55/173/Corr.2 and A/55/173/Add.1; A/53/287; A/51/215, A/51/215/Corr.1 and A/51/215/Add.1; and A/49/255, A/49/255/Corr.1 and A/49/255/Add.1.

[3] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513; vol. 2404, No. 43425.

[4] Ibid., vol. 75, Nos. 970–973.

In 2017, Austria made a financial contribution to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

During its Chairpersonship-in-Office of the Organization for Security and Cooperation in Europe (OSCE), Austria tasked the OSCE Secretary-General to deploy an independent team of experts to conduct a forensic post-blast investigation of an incident in Eastern Ukraine. In this regard, Austria's suggestion that the good offices of the International Humanitarian Fact-Finding Commission be used to carry out the investigation was adopted.

Under their joint pledge submitted at the thirty-second International Conference of the Red Cross and Red Crescent (2015) and the World Humanitarian Summit (2016), Austria and the Austrian Red Cross organized seminars with assistance from the Universities of Graz and Linz. Austria also reported that its Ministry of Defence had provided training to over 200 legal advisers in the armed forces or the defence ministries from 30 European States and the European External Action Service.

Belgium

[Original: French]
[30 May 2018]

Belgium reiterated the information it provided previously (see A/71/183, A/71/183/Add.1 and A/67/182/Add.1) and added that, in 2016, the Interministerial Commission for Humanitarian Law actively participated in the universal meeting of national committees and similar bodies on international humanitarian law. In 2017, Belgium organized several conferences and adopted a number of measures on international humanitarian law. The conferences addressed a range of matter, including children and armed conflict and the updated commentary on the First Geneva Convention. To mark the fortieth anniversary of Additional Protocols I and II, Belgium supported the organization of a study day by the International Society for Military Law and Law of War.

With respect to the measures adopted, as part of the Government's collaboration with the Belgian Red Cross to disseminate and implement international humanitarian law, two training courses were organized: (a) one on international humanitarian law for trainee diplomats, organized with the Federal Public Service for Foreign Affairs; and (b) a training on hostile environment awareness, organized with the Belgian Interministerial Commission for Humanitarian Law, the Ministry of Defence and the Belgian Committee of the Blue Shield. Additionally, Belgium, in cooperation with the Belgian Red Cross, prepared the progress report on the implementation of the resolutions adopted and the pledges made at the thirty-second International Conference of the Red Cross and Red Crescent.

Brazil

[Original: English]
[5 June 2018]

Brazil reported that it is a party to all the main instruments in international humanitarian law, including the four Geneva Conventions and the Additional Protocols, and listed the relevant instruments to which it is a party. Brazil was the first State to sign the Treaty on the Prohibition of Nuclear Weapons, and has initiated internal procedures for its ratification. In 2018, the Brazilian Senate approved the bill on the Arms Trade Treaty, thus concluding the legislative procedures for its

ratification. Brazil also participated actively in the thirty-second International Conference of the Red Cross and Red Crescent and engaged constructively in the intergovernmental process aimed at strengthening compliance with international humanitarian law.

Brazil noted that it has endeavoured to disseminate and implement international humanitarian law-related instruments through the activities of the national Committee on International Humanitarian Law and its subcommittees, under the coordination of the Ministry of Foreign Affairs. In addition, a subcommittee on new technologies of war was established to gather and disseminate information that may contribute to internal and international debates on the compatibility of new technologies with international law, particularly international humanitarian law and international human rights law. Another subcommittee was created to develop further measures to implement the 1945 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and related instruments. The national Committee on International Humanitarian Law frequently exchanges information with the Ministry of Culture about measures taken on the protection of cultural property, and meets usually every three or four months to address, inter alia, issues related to education on international humanitarian law, the protection of cultural property in armed conflicts, health and international humanitarian law, the use and protection of ICRC emblems and the monitoring of draft bills on international humanitarian law matters. Committee representatives also participated in several international events organized by ICRC.

Brazil reported that in 2017 its relevant authorities approved a bill on the use and protection of the emblems of the Red Cross, Red Crescent and Red Crystal, which will proceed to the Plenary of the Chamber of Deputies before moving to the Brazilian Senate. Brazil reported that it has initiated the process for the implementation of the Rome Statute of the International Criminal Court, including a draft bill defining war crimes in accordance with the Geneva Conventions, Additional Protocol I and article 8 of the Rome Statute are under consideration in Congress.

Cuba

[Original: Spanish]
[27 March 2018]

Cuba reiterated the information it submitted previously (see A/65/138 and A/71/183) and reported that it is a party to a number of international humanitarian law instruments. In this connection, it also reported that both its Penal Code and its Military Justice Code contain provisions on serious violations in the humanitarian field. Cuba asserted that it has maintained an unrestricted respect for the rules of international humanitarian law and reported that its practice may be largely found in the customary international humanitarian law database maintained by ICRC. Additionally, Cuba reaffirmed the contribution of the Centre for Studies in International Humanitarian Law in disseminating and teaching international humanitarian law. During the reporting period, the Cuban Red Cross Society and the National Union of Jurists of Cuba organized many activities aimed at disseminating and teaching international humanitarian law. Cuba noted that, in 2017, a workshop on international humanitarian law took place in Havana under the auspices of the Cuban Society of International Law, with the participation of members of the Revolutionary Armed Forces and investigators.

El Salvador

[Original: Spanish]
[1 May 2018]

El Salvador reiterated the information it submitted previously (see A/65/138, A/67/182, A/69/184 and A/71/183) and added that, in 2016 and 2017, its Inter-Agency Standing Committee on conducted several activities on international humanitarian law, including: training on various international humanitarian law issues, the publication of a compilation of international instruments related to international humanitarian law; and the creation of a webpage dedicated to matters of international humanitarian law.

At the regional level, El Salvador has been acknowledged as one of the States with a higher number of cultural properties marked with the protective "Blue Shield" emblem. El Salvador also reported that its national committee for the implementation of Security Council resolution 1325 (2000) has approved a national plan entitled "Women, peace and security" (2017–2022), aimed at improving the situation of women in States affected by armed conflict and other types of conflict, including terrorism.

Finland

[Original: English]
[1 June 2018]

Finland reiterated the information it submitted in 2014 (see A/69/184/Add.1) and added that it made a number of pledges at the thirty-second International Conference of the Red Cross and the Red Crescent, including to undertake and support a study on the rules and principles of international humanitarian law and their application in the context of autonomous weapons systems. To that end, a research report entitled "Autonomous weapons systems and international humanitarian law: 'out of the loop'?" by Jarna Petman of the University of Helsinki, which was commissioned by the Research Unit of the Ministry of Foreign Affairs, was made available in 2017.

Honduras

[Original: Spanish]
[30 May 2018]

Honduras reported that it had adopted the a number of measures related to the protection of victims of armed conflict, including measures by its Office of Humanitarian Law to strengthen the dissemination and implementation of international humanitarian law at the national level; the decision of the Council of Universities to include international humanitarian law as a subject in the curriculum of private and public universities; the standardization of the emblem of the Honduran Red Cross; and the training and dissemination of information on international humanitarian law for members of the armed forces.

Lebanon

[Original: Arabic]
[23 May 2018]

Lebanon reiterated the information it submitted previously (see A/69/184, A/67/182, A/65/138/Add.1 and A/61/222) and reported that, in 2017, it made amendments to the code of military conduct to regulate the methods and means of

warfare in accordance with Additional Protocol II. Following Lebanon's accession in 2017 to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its Protocols I, II (amended) and III, the Ministry of Defence took measures to implement their provisions. Measures were also being taken to honour Lebanon's obligations to protect cultural objects.

Several training courses were organized for Lebanese army officers in cooperation with ICRC and the Defense Institute of International Legal Studies of the United States of America. Representatives of the Ministry of Defence also participated in training sessions held by ICRC. The reference book used at Lebanese military institutes and colleges was updated.

In 2017, as an initial step towards the implementation of article 82 of Additional Protocol I, the Ministry of Defence established the post of international humanitarian law counsel to advise the Minister of Defence, the Commander of the Army and the Army Headquarters operations room on the legal aspects of planning and executing operations. The second step would involve posting international humanitarian law advisers to the leadership of major operational units in 2018.

Lebanon added that its military law imposed penalties for violations of international humanitarian law and stressed the need for compliance in the conduct of military operations, referring, in particular, to the events that took place in the Arsal area in eastern Lebanon. In this connection, a constructive dialogue was held with ICRC/Beirut, following which the Lebanese army took actions to ensure compliance by its units.

Luxembourg

[Original: French]
[1 June 2018]

Luxembourg reported that it has ratified the Additional Protocols to the Geneva Conventions relating to the protection of victims of armed conflicts. Following a commitment made during the World Humanitarian Summit, Luxembourg has designated a focal point in charge of international humanitarian law within the Ministry of Foreign and European Affairs to coordinate the Ministry's actions in matters related to international humanitarian law.

Montenegro

[Original: English]
[25 May 2018]

Montenegro reported that it has fully complied with the provisions of the Geneva Conventions and the Additional Protocols. Through a regular process of planning and training, the military staff of the army has been familiarized with the significance and implementation of the international instruments and other international treaties in the field of international humanitarian law relating to the protection of the wounded and diseased, humanitarian and medical staff and medical facilities. Special attention has been paid to the protection of children and women in armed conflicts and to the measures on prevention of sexual violence. The Ministry of Defence and the Army of Montenegro usually send officers to international institutions for training in international humanitarian law. In 2018, 10 officers from the Ministry of Defence attended an international military course at the International Institute of Humanitarian Law in San Remo, Italy.

Paraguay

[Original: Spanish]
[24 May 2017]

In a summary of its activities regarding the Geneva Conventions and its Additional Protocols, Paraguay reported that it has ratified all Additional Protocols to the Geneva Conventions and that, in accordance with article 90 of Additional Protocol I, it has recognized the competence of the International Humanitarian Fact-Finding Commission ipso facto and without special agreement in relation to any other party to Additional Protocol I accepting the same obligation.

Paraguay provided information regarding Law No. 1160 (1997), which addresses the crime of genocide and war crimes. Paraguay explained that investigations over such crimes are conducted with due observance of the guarantees afforded by the constitution and the rights provided in international conventions. Paraguay further reported that the Supreme Court of Justice has no record of any extradition request of persons convicted of war crimes or other violations of the Geneva Conventions, nor is there any record of a mutual legal assistance request in this respect.

In 1995, Paraguay created the Commission for Studies and Implementation of International Humanitarian Law, composed of representatives of the Ministry of National Defence, the Ministry of Foreign Affairs, the Ministry of Justice and Labour and the Ministry of the Interior, with a representative of the Paraguayan Red Cross as an observer. The Commission's mandate is to implement and disseminate international humanitarian law in Paraguay. The Commission may invite academic experts, members of Parliament or other public officials as observers or assistants to support the development and implementation of international humanitarian law. In the academic sphere, many law faculties in Paraguay have adopted international humanitarian law in their curriculum and organized seminars and conferences on the subject. Paraguay highlighted that ICRC has contributed to the organization of various international humanitarian law courses and seminars in Paraguay.

Paraguay noted that the members of its armed forces, at all levels, are constantly provided with trained on international humanitarian law matters and that military personnel deployed to peace missions receive specialized training.

In addition, the Ministry of National Defence, in line with decree No. 1726 (2014), through its Office of Legal Affairs, gives legal advice and provides support for the promotion and dissemination of information on international humanitarian law and human rights.

Paraguay also reported that a training programme on the protection of emblematic monuments and buildings is being developed.

Peru

[Original: Spanish]
[21 September 2016]

Peru reported many measures adopted to implement General Assembly resolution 69/120 and the relevant international treaties related to international humanitarian law.

Peru provided information on treaties related to international humanitarian law to which Peru became a party. Notably, Peru reported that it ratified the Optional Protocols to the Convention on the Rights of the Child and had taken action to ratify

and incorporate several international instruments related to international humanitarian law into its domestic law.

Peru also provided information on numerous measures related to the protection of the civilian population, including: (a) the Constitutional Court's judgment regarding the definition of "hostile group", contained in Legislative Decree No. 1095, which is governed by the principles of international humanitarian law; (b) the activities of the Ministry for Women and Vulnerable Groups to promote the adoption of a protocol that addresses matters related to persons and families rescued from terrorist groups; (c) various measures focusing on gender and armed conflict, in particular, the national plan against gender-based violence (2016–2021), enacted in 2016; and (d) the establishment of a temporary multisectorial commission tasked with preparing a proposal related to internally displaced persons.

Peru also reported that an act on the search for persons who disappeared during the violence that took place in the 1980–2000 period was adopted to deal with the issue of missing persons and assistance to their families. In addition, a high-level multisectorial commission, established to address reparations and reconciliation following the 20-year period of violence from 1980 to 2000, ensured that reparations were paid to relevant beneficiaries. Other measures taken by its various ministries include: (a) the Ministry of Education adopted a multi-year education reparations plan for victims of violence in Peru (2016–2021) to implement a reparations programme for victims (scholarships for victims of violence were among some of the measures adopted under the plan); and (b) the Ministry of Health adopted guidelines on mental health care for persons affected by the violence during the 1980–2000 period and conducted information campaigns on education and mental health between 2011 and 2015.

With respect to the dissemination of international humanitarian law, Peru reported measures adopted on training and education, such as: (a) aspects of the national human rights plan (2014–2016) regarding education on international humanitarian law and international human rights law; (b) the adoption of the national plan for education in fundamental rights and duties through 2021, which provides for various measures related to international humanitarian law and human rights; and (c) the "Miguel Grau" course, which continues to be offered by the National Commission for the Study and Implementation of International Humanitarian Law. Peru further reported that the Centre for International Humanitarian Law and Human Rights of the Ministry of Defence has trained thousands of individuals, including military and civilian defence personnel, judges and prosecutors, on a wide range of international humanitarian law issues. In addition, Peru stated that the Chair of the Joint Chiefs of Staff of the armed forces has responsibility for establishing provisions for the fulfilment of State obligations assumed under national and international standards and agreements on international humanitarian law.

Peru made nine pledges to implement the resolutions adopted during the thirty-second International Conference of the Red Cross and Red Crescent at the national level. The pledges relate to, inter alia, the protection of cultural property, training and the dissemination of information on international humanitarian law, health and sexual and gender-based violence in emergencies.

Qatar

[Original: Arabic]
[31 May 2018]

Qatar reiterated the information it submitted previously (see A/71/183) and reported that it had participated in the intergovernmental process on strengthening

compliance with international humanitarian law and contributed to the position of the Group of Arab States. Qatar also noted that its candidate was elected as a member of the International Humanitarian Fact-Finding Commission for the 2017–2022 period.

Russian Federation

[Original: Russian]
[29 June 2018]

The Russian Federation reported that it ratified the Geneva Conventions in 1954 and the Additional Protocols in 1989 and that it was taking all necessary measures to ensure the implementation of international humanitarian law.

The Russian Federation noted that, in its Minister of Defence Order No. 717 (2015), instructions on legal matters in the armed forces had been approved, and that instructions regarding measures for observing the norms of international humanitarian law in the armed forces had been drafted by Minister of Defence Order No. 360 (2001). Such instructions took into account the Geneva Conventions and their Additional Protocols. The Russian Federation also stated that article 356 (1) of its 1996 Criminal Code, under the section on crimes against the peace and security of humanity, established the mistreatment of prisoners of war or civilians, the deportation of the civilian population, looting of national property in occupied territory and the use in armed conflict of means and methods prohibited by an international treaty signed by the Russian Federation as crimes punishable by up to 20 years of imprisonment.

Slovenia

[Original: English]
[29 May 2018]

Slovenia reiterated the information it submitted previously (see A/71/183) and reported that international humanitarian law training was provided at different levels of the military and before every deployment abroad, and that special training was organized for military lawyers tasked with providing additional training and advice for commanders. International humanitarian law is also part of the police education programme in Slovenia.

Slovenia's Ministry of Foreign Affairs joined other ministries in raising public awareness of the needs and rights of child refugees and migrants. Worksheets were produced for school children to raise the awareness of fundamental rights of child refugees, and panel discussions were held with participants from Slovenia and abroad. In addition, the Ministry of Foreign Affairs organized the third European meeting of focal points on the principle of "responsibility to protect" in 2017 to exchange information, experiences and good practices in the implementation of the principle. At the end of the meeting, a statement by the Chair was adopted to align European action on responsibility to protect and the prevention of mass atrocity crimes. The meeting was followed by an academic conference organized by the University of Ljubljana, which regularly cooperates with the Slovenian Red Cross and Slovenian armed forces and annually organizes, with ICRC and the Office of the United Nations High Commissioner for Refugees (UNHCR), the All-European International Humanitarian and Refugee Law Moot Court Competition.

Slovenia participated in the intergovernmental process on strengthening respect for international humanitarian law and reported progress in implementing resolutions and pledges adopted by the thirty-second International Red Cross and Red Crescent Conference.

Slovenia promoted the universality and integrity of the Rome Statute of the International Criminal Court at bilateral and multilateral levels as well as through its activities, including participation in the informal ministerial network for the International Criminal Court, and reported its intention to organize activities marking the twentieth anniversary of the adoption of the Rome Statute.

Spain

[Original: Spanish]
[11 June 2018]

Spain reported that, in accordance with article 90 of Additional Protocol I, it recognizes the competence of the International Humanitarian Fact-Finding Commission ipso facto and without special agreement in relation to any other party to Additional Protocol I accepting the same obligation. Spain provided information on the interpretative declarations it has made pertaining to Additional Protocol I and reported that it has ratified the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto, as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on which occasion Spain also made an interpretive declaration.

Spain reported that it actively participated in the thirty-second International Conference of the Red Cross and Red Crescent and supports the efforts to strengthen international humanitarian law, in particular those within resolution 1 adopted during the Conference.

With respect to the protection of medical facilities and personnel, Spain reported that it is prioritizing the promotion and implementation of Security Council resolution 2286 (2016), including through organizing several events and participating in the informal group of States gathered in Geneva for this purpose. Spain also stated that, in the light of resolution 2286 (2016), it is working on the development of two aspects that have not been covered, namely the investigation of violations of international humanitarian law and reparations for victims.

Regarding the protection of civilians, Spain reported that it endorsed the Kigali Principles on the Protection of Civilians in 2017 and that military personnel deployed to peacekeeping and special political missions receive training on protection of civilians, human rights and international humanitarian law. Spain also reported that it is a member of the International Syria Support Group.

Spain reported that it is actively participating in the discussions surrounding the global compacts for refugees and migration and that it has promoted multilateral and bilateral measures to protect displaced persons. Spain also works closely with partners such as UNHCR, ICRC, the World Food Programme and the United Nations Relief and Works Agency for Palestine Refugees in the Near East to address issues related to refugees from the conflicts in Iraq and the Syrian Arab Republic. Additionally, Spain provided information regarding its law on stateless persons and on the status of ratification of international conventions related to stateless persons. Spain further noted that it supports the #IBelong campaign launched by UNHCR regarding stateless persons.

In 2017, Spain joined the "Call to Action on Protection from Gender-Based Violence in Emergencies" initiative and supported projects on prevention and the remedying of gender-based violence in Colombia, Jordan, Lebanon and the Syrian Arab Republic. Spain also affirmed that it is committed to the "Women, peace and security" agenda and that it adopted its second national action plan on women, peace and security 2017–2023, which contains specific actions on the prevention of and protection from gender-based violence.

Moreover, Spain reported that it endorsed the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers and that it had joined the Group of Friends on Children and Armed Conflict.

Spain described several further other measures, including measures related to the International Criminal Court and the work of the Spanish Agency for International Development Cooperation and the Independent International Commission of Inquiry on the Syrian Arab Republic.

Switzerland

[Original: French]
[1 June 2018]

Switzerland reiterated the information it submitted previously (see A/71/183, A/69/184 and A/67/182/Add.1). In 2017, on the occasion of the fortieth anniversary of Additional Protocols I and II, Switzerland took the opportunity to promote and encourage their universalization.

Switzerland also reported that, together with ICRC, it organized meetings within the framework of the intergovernmental process on strengthening compliance with international humanitarian law with a view to finding agreement on the features and functions of a potential forum of States and improving the implementation of international humanitarian law. Switzerland and ICRC had also jointly organized the third meeting of the Montreux Document Forum. Switzerland reported that there are two working groups on: (a) the International Code of Conduct for Private Security Service Providers' Association: and (b) the use of private military and security companies in maritime security are fully functioning.

With respect to the Convention on Certain Conventional Weapons, Switzerland supported the establishment of a group of governmental experts on lethal autonomous weapon systems and actively participates in its discussions pertaining to the observance of international humanitarian law.

With a view to enhancing the implementation of Additional Protocol II, Switzerland reported that it supported the jurisdiction of the International Criminal Court over the crime of aggression and proposed an amendment to article 8 of the Rome Statute, aimed at categorizing starvation of civilians as a method of warfare as a crime in a non-international armed conflict. Switzerland added that it took initiatives to underline the importance of the International Criminal Court.

In 2016, Switzerland organized a diplomatic conference of States that recognize the competence of the International Humanitarian Fact-Finding Commission under article 90 of Additional Protocol I to elect new members of the Commission. In 2017, on the occasion of the fortieth anniversary of Additional Protocols I and II, Switzerland promoted the importance of the Commission and encouraged States that have not yet done so to recognize its competence. As the secretariat of the Commission, the Government of Switzerland supported the mission it had conducted in Ukraine in 2017 and also supported its visits to several States.

Ukraine

[Original: English]
[31 May 2018]

Ukraine reported that it is party to the majority of international treaties on international humanitarian law. In addition, Ukraine had taken a number of legislative and regulatory measures to implement international humanitarian law, particularly

amendments to the Constitution of Ukraine that will enter into force in 2019, which will form the basis for future ratification of the Rome Statute of the International Criminal Court, which was signed by Ukraine in 2000. Ukraine also made two statements recognizing the jurisdiction of the International Criminal Court on crimes against humanity and war crimes in 2014 and 2015.

Ukraine noted that progress has been made in bringing its criminal law in line with international humanitarian law. The Criminal Code of Ukraine criminalizes acts in violation of international humanitarian law, such as: propaganda of war; planning, preparing, deployment and conducting an aggressive war; violation of rules of warfare; use of weapons of mass destruction; development, production, acquisition, storage, sale, transportation of weapons of mass destruction; and genocide. Ukraine stated that other amendments to the Criminal Code were being developed by the Ministry of Justice.

Ukraine reported that in 2017 the Ministry of Defense issued an order confirming the updated version of its instruction on procedures for the implementation of the principles of international humanitarian law in the armed forces. The instruction introduces general international humanitarian law-related limits on the methods and means used in hostilities, emphasizes the need for the protection of civilians and provides for criminal and disciplinary liability of individuals who violate the norms of international humanitarian law. In addition, the Ministry of Defense regularly organizes international humanitarian law training seminars for its personnel, in cooperation with ICRC.

Ukraine also reported the adoption in 2017 of decree No. 329 on the establishment of an inter-agency commission on the application and implementation of international humanitarian law in Ukraine by the Cabinet of Ministers. The decree was designed to facilitate the implementation of the international legal obligations of Ukraine arising from the Geneva Conventions of 1949, as well as the implementation by the Ministry for Temporarily Occupied Territories and Internally Displaced Persons of one of its main tasks: to ensure the formulation and implementation of State policy on the application of the international humanitarian law on the territory of Ukraine. The inter-agency commission acts as an advisory body to the Cabinet of Ministers in promoting the implementation of international legal obligations of Ukraine in the field of international humanitarian law and is a platform for the identification of basic practical problems, the determination of short-term and long-term priorities, further implementation of international legal obligations by all responsible parties and monitoring of the resolution of problems and the evaluation of solutions.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[18 June 2018]

The United Kingdom and Northern Ireland reiterated the information it had submitted previously (see A/71/183) and reported that, in 2017, it enacted the Cultural Property (Armed Conflicts) Act, providing for its ratification of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its accession to the two Protocols to the Convention. To support the implementation of the Convention, the United Kingdom published two guidance documents, established a cross-Government working group on cultural protection and is establishing a military cultural property protection unit.

As Chair of the Convention on Certain Conventional Weapons, the Government has worked to strengthen the Convention and the Arms Trade Treaty, and has

contributed to the Voluntary Trust Fund that supports the efforts of other States to implement the Treaty. The United Kingdom maintains its position that the use of existing and new weapons systems should conform to international humanitarian law.

The United Kingdom supported the intergovernmental project on strengthening compliance with international humanitarian law, including through its participation in the fourth formal meeting on the subject (2018). In addition, it was a co-sponsor of Security Council resolution 2286 (2016) and co-hosted a General Assembly side event on the protection of medical personnel (2017). The United Kingdom also supported the launch of the World Health Organization global surveillance system to monitor attacks on health-care services as well as the work of the United Nations inter-agency access coordination unit in Palestine to monitor access and ensure the free movement of patients and ambulances.

The United Kingdom reported that its National Committee on International Humanitarian Law encouraged the dissemination and training of international humanitarian law for the members of the armed forces, the police, the civil service, educational institutions, the judiciary, the medical profession, the media and others. International humanitarian law was included as a statutory subject in English schools in the formal key stage 4 (ages 14 to 16) of the national curriculum for citizenship programme.

With respect to the initiative on preventing sexual violence in conflict, in 2017 the United Kingdom launched its guide on the principles for global action on tackling the stigma of sexual violence in conflict at the General Assembly. In addition to funding several projects aimed at preventing sexual violence, the United Kingdom used the international protocol on documentation and investigation of sexual violence in conflict (second edition) to provide capacity-building to practitioners in countries, including: Bangladesh in the context of the Rohingya crisis; the Democratic Republic of the Congo; and the Syrian Arab Republic. The United Kingdom stated its intention to host an international meeting on the topic in 2019, which will mark five years since the Global Summit to End Sexual Violence in Conflict.

III. Information received from the International Committee of the Red Cross

[Original: English]
[28 May 2018]

1. ICRC reiterated the information it submitted previously under this item (see, for example, A/71/183). In addition, on the fortieth anniversary of the adoption of the Additional Protocols, ICRC took steps to promote their universalization and implementation, including by publishing a policy paper on their impact and practical relevance, highlighting their relevance through national and regional events, raising the question of accession in its dialogue with States and writing to States not yet parties to the Protocols to encourage their adherence to them.

2. In 2017, ICRC published an updated commentary on the Second Geneva Convention and organized various promotional events. In addition, ICRC and the International Red Cross and Red Crescent Movement welcomed the adoption of the Treaty on the Prohibition of Nuclear Weapons. ICRC also worked closely with national Red Cross and Red Crescent Societies to support their dialogue with Governments and hosted a high-level Red Cross and Red Crescent Movement conference on the prohibition and elimination of nuclear weapons with the Japanese Red Cross Society (2017). The Red Cross and Red Crescent Movement also adopted a four-year action plan on nuclear weapons.

3. ICRC worked with national Red Cross and Red Crescent Societies to foster adherence to and implementation of treaties governing landmines, cluster munitions and explosive remnants of war. ICRC also organized national and regional seminars to discuss such topics. ICRC participated in the annual meetings of States parties to the Anti-personnel Mine Ban Convention and the Convention on Cluster Munitions, and ICRC experts attended meetings of States parties to the Convention on Certain Conventional Weapons and its Protocols.

4. ICRC urged States to set limits on autonomy in weapon systems during deliberations at the meetings of governmental experts on the Convention on Certain Conventional Weapons (2017 and 2018), and convened a meeting of independent experts (2017) to explore the ethical issues involved. ICRC has reminded States of their obligation to determine whether the employment of new weapons, means or methods of warfare, including autonomous weapon systems, would be prohibited by international law in any foreseeable circumstances of their use.

5. ICRC promoted adherence to and implementation of the international and regional instruments regulating the transfer of arms, including the Arms Trade Treaty and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

6. On the issue of use of explosive weapons with a wide impact area in densely populated areas, ICRC conducted an analysis of its humanitarian, technical, legal and policy aspects and awareness-raising of its humanitarian impact, engaged in confidential dialogue with States and parties to armed conflict on good practices for mitigating risks to civilians and lent its support to diplomatic efforts.

7. ICRC congratulated Niger, Oman, Papua New Guinea and the State of Palestine on establishing national committees on international humanitarian law, and stated that by its reckoning, there were now 111 national committees or similar bodies. In 2016, ICRC convened its fourth Universal Meeting of National Committees and Similar Bodies on International Humanitarian Law, focusing on enhancing protection in armed conflict through domestic law and policy.

8. ICRC noted that, at the time of writing, 174 States were party to Additional Protocol I and 168 States were party to Additional Protocol II, and that the State of Palestine made a declaration pursuant to article 90 of Additional Protocol I accepting the competence of the International Humanitarian Fact-Finding Commission. ICRC welcomed the following accessions: Burkina Faso to Additional Protocol III; Brunei Darussalam, the Central African Republic, Guinea, Pakistan and Samoa to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Benin, the Central African Republic, Czechia, Malawi, Seychelles, Sri Lanka and Switzerland to the International Convention for the Protection of All Persons from Enforced Disappearance; Afghanistan, Togo, Turkmenistan and the United Kingdom to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols, Botswana to its First Protocol and Burkina Faso, France, Liechtenstein, Norway, Portugal and Sweden to its Second Protocol; and Benin, Cabo Verde, Chile, Cyprus, Georgia, Guatemala, Honduras, Kazakhstan, Madagascar, Monaco, the Republic of Korea, Zambia and the State of Palestine to the Arms Trade Treaty.

9. ICRC and Switzerland, as co-facilitators of the intergovernmental process on strengthening compliance with international humanitarian law, organized formal meetings of States and additional preparatory meetings for delegations to exchange views on the substantive elements of resolution 2 adopted at the thirty-second International Conference of the Red Cross and Red Crescent and on the best ways to fulfil the mandate given by the Conference. ICRC stated that further meetings were

planned for 2018 and 2019, with a view to submitting an outcome to the thirty-third Conference (2019).

10. ICRC provided legal assistance, including model legislation, to help countries develop national laws required by the Anti-personnel Mine Ban Convention and the Convention on Cluster Munitions. ICRC also continued developing specialized tools available to States and the public. The ICRC database on national implementation of international humanitarian law was updated to reflect information from 195 countries, and its customary international humanitarian law database was updated in cooperation with the British Red Cross Society. ICRC publications include: a comprehensive introduction to international humanitarian law; an updated handbook for parliamentarians (co-published with Inter-Parliamentary Union); brochures on cluster munitions and explosive remnants of war; an updated practical guide on applying international humanitarian and human rights law in arms transfer decisions; its recommendations regarding implementation of the provisions of the Arms Trade Treaty most relevant to achieving its humanitarian purpose; thematic factsheets on nuclear weapons, persons with disabilities and amnesties; and updated factsheets concerning internally displaced persons and the implementation of international humanitarian law in domestic law.

Annex

List of States parties to the Additional Protocols of 1977 and 2005 to the Geneva Conventions of 1949 as at 26 April 2018[a]

State	*Protocol*	*Date of ratification, accession or succession*
Afghanistan	I and II	10 November 2009
Albania	I and II	16 July 1993
	III	6 February 2008
Algeria[b]	I[c] and II	16 August 1989
Angola	I[c]	20 September 1984
Antigua and Barbuda	I and II	6 October 1986
Argentina[b]	I[c] and II[c]	26 November 1986
	III[c]	16 March 2011
Armenia	I and II	7 June 1993
	III	12 August 2011
Australia[b]	I[c] and II	21 June 1991
	III	15 July 2009
Austria[b]	I[c] and II[c]	13 August 1982
	III	3 June 2009
Bahamas	I and II	10 April 1980
Bahrain	I and II	30 October 1986
Bangladesh	I and II	8 September 1980
Barbados	I and II	19 February 1990
Belarus[b]	I and II	23 October 1989
	III	31 March 2011
Belgium[b]	I[c] and II	20 May 1986
	III	12 May 2015
Belize	I and II	29 June 1984
	III	3 April 2007
Benin	I and II	28 May 1986
Bolivia (Plurinational State of)[b]	I and II	8 December 1983
Bosnia and Herzegovina[b]	I and II	31 December 1992
Botswana	I and II	23 May 1979

State	*Protocol*	*Date of ratification, accession or succession*
Brazil[b]	I and II	5 May 1992
	III	28 August 2009
Brunei Darussalam	I and II	14 October 1991
Bulgaria[b]	I and II	26 September 1989
	III	13 September 2006
Burkina Faso[b]	I and II	20 October 1987
	III	7 October 2016
Burundi	I and II	10 June 1993
Cambodia	I and II	14 January 1998
Cameroon	I and II	16 March 1984
Canada[b]	I[c] and II[c]	20 November 1990
	III[c]	26 November 2007
Cabo Verde[b]	I and II	16 March 1995
Central African Republic	I and II	17 July 1984
Chad	I and II	17 January 1997
Chile[b]	I and II	24 April 1991
	III	6 July 2009
China	I[c] and II[c]	14 September 1983
Colombia[b]	I	1 September 1993
	II	14 August 1995
Comoros	I and II	21 November 1985
Congo	I and II	10 November 1983
Cook Islands[b]	I and II	7 May 2002
	III	7 September 2011
Costa Rica[b]	I and II	15 December 1983
	III	30 June 2008
Côte d'Ivoire	I and II	20 September 1989
Croatia[b]	I and II	11 May 1992
	III	13 June 2007
Cuba	I	25 November 1982
	II	23 June 1999

State	*Protocol*	*Date of ratification, accession or succession*
Cyprus[b]	I	1 June 1979
	II	18 March 1996
	III	27 November 2007
Czechia[b]	I and II	5 February 1993
	III	23 May 2007
Democratic People's Republic of Korea	I	9 March 1988
Democratic Republic of the Congo[b]	I	3 June 1982
	II	12 December 2002
Denmark[b]	I[c] and II	17 June 1982
	III	25 May 2007
Djibouti	I and II	8 April 1991
Dominica	I and II	25 April 1996
Dominican Republic	I and II	26 May 1994
	III	1 April 2009
Ecuador	I and II	10 April 1979
Egypt	I[c] and II[c]	9 October 1992
El Salvador	I and II	23 November 1978
	III	12 September 2007
Equatorial Guinea	I and II	24 July 1986
Estonia[b]	I and II	18 January 1993
	III	28 February 2008
Eswatini	I and II	2 November 1995
Ethiopia	I and II	8 April 1994
Fiji	I, II and III	30 July 2008
Finland[b]	I[c] and II	7 August 1980
	III	14 January 2009
France	I[c]	11 April 2001
	II[c]	24 February 1984
	III	17 July 2009
Gabon	I and II	8 April 1980

State	*Protocol*	*Date of ratification, accession or succession*
Gambia	I and II	12 January 1989
Georgia	I and II	14 September 1993
	III	19 March 2007
Germany[b]	I[c] and II[c]	14 February 1991
	III	17 June 2009
Ghana	I and II	28 February 1978
Greece[b]	I	31 March 1989
	II	15 February 1993
	III	26 October 2009
Grenada	I and II	23 September 1998
Guatemala	I and II	19 October 1987
	III	14 March 2008
Guinea[b]	I and II	11 July 1984
Guinea-Bissau	I and II	21 October 1986
Guyana	I and II	18 January 1988
	III	21 September 2009
Haiti	I and II	20 December 2006
Holy See	I[c] and II[c]	21 November 1985
Honduras	I and II	16 February 1995
	III	8 December 2006
Hungary[b]	I and II	12 April 1989
	III	15 November 2006
Iceland[b]	I[c] and II	10 April 1987
	III	4 August 2006
Iraq	I	1 April 2010
Ireland[b]	I[c] and II[b]	19 May 1999
Israel	III[c]	22 November 2007
Italy[b]	I[c] and II	27 February 1986
	III	29 January 2009
Jamaica	I and II	29 July 1986
Japan[b]	I[c] and II	31 August 2004

State	Protocol	Date of ratification, accession or succession
Jordan	I and II	1 May 1979
Kazakhstan	I and II	5 May 1992
	III	24 June 2009
Kenya	I and II	23 February 1999
	III	28 October 2013
Kuwait[b]	I and II	17 January 1985
Kyrgyzstan	I and II	18 September 1992
Lao People's Democratic Republic[b]	I and II	18 November 1980
Latvia	I and II	24 December 1991
	III	2 April 2007
Lebanon	I and II	23 July 1997
Lesotho[b]	I and II	20 May 1994
Liberia	I and II	30 June 1988
Libya	I and II	7 June 1978
Liechtenstein[b]	I[c] and II[c]	10 August 1989
	III	24 August 2006
Lithuania[b]	I and II	13 July 2000
	III	28 November 2007
Luxembourg[b]	I and II	29 August 1989
	III	27 January 2015
Madagascar[b]	I and II	8 May 1992
Malawi[b]	I and II	7 October 1991
Maldives	I and II	3 September 1991
Mali[b]	I and II	8 February 1989
Malta[b]	I[c] and II[c]	17 April 1989
Mauritania	I and II	14 March 1980
Mauritius	I[c] and II[c]	22 March 1982
Mexico	I	10 March 1983
	III	7 July 2008
Micronesia (Federated States of)	I and II	19 September 1995

State	*Protocol*	*Date of ratification, accession or succession*
Monaco[b]	I and II	7 January 2000
	III	12 March 2007
Mongolia[b]	I[c] and II	6 December 1995
Montenegro[b]	I and II	2 August 2006
Morocco	I[c] and II	3 June 2011
Mozambique	I	14 March 1983
	II	12 November 2002
Namibia[b]	I[c] and II[c]	18 October 1983
Nauru	I and II	27 June 2006
	III	4 December 2012
Netherlands[b]	I[c] and II[c]	26 June 1987
	III[c]	13 December 2006
New Zealand[b]	I[c] and II[c]	8 February 1988
	III	23 October 2013
Nicaragua	I and II	19 July 1999
	III	2 April 2009
Niger	I and II	8 June 1979
Nigeria	I and II	10 October 1988
Norway[b]	I and II	14 December 1981
	III	13 June 2006
Oman	I[c] and II[c]	29 March 1984
Palau	I and II	25 June 1996
Panama[b]	I and II	18 September 1995
	III	30 April 2012
Paraguay[b]	I and II	30 November 1990
	III	13 October 2008
Peru	I and II	14 July 1989
Philippines	I[c]	30 March 2012
	II	11 December 1986
	III	22 August 2006

State	*Protocol*	*Date of ratification, accession or succession*
Poland[h]	I and II	23 October 1991
	III	26 October 2009
Portugal[h]	I[c] and II[c]	27 May 1992
	III	22 April 2014
Qatar[h]	I[c]	5 April 1988
	II	5 January 2005
Republic of Korea[h]	I[c] and II	15 January 1982
Republic of Moldova	I and II	24 May 1993
	III[c]	19 August 2008
Romania[h]	I and II	21 June 1990
	III	15 May 2015
Russian Federation[h]	I[c] and II[c]	29 September 1989
Rwanda[h]	I and II	19 November 1984
Saint Kitts and Nevis[h]	I and II	14 February 1986
Saint Lucia	I and II	7 October 1982
Saint Vincent and the Grenadines[h]	I and II	8 April 1983
Samoa	I and II	23 August 1984
San Marino	I and II	5 April 1994
	III	22 June 2007
Sao Tome and Principe	I and II	5 July 1996
Saudi Arabia	I[c]	21 August 1987
	II	28 November 2001
Senegal	I and II	7 May 1985
Serbia[h]	I and II	16 October 2001
	III	18 August 2010
Seychelles[h]	I and II	8 November 1984
Sierra Leone	I and II	21 October 1986
Singapore	III	7 July 2008
Slovakia[h]	I and II	2 April 1993
	III	30 May 2007

State	*Protocol*	*Date of ratification, accession or succession*
Slovenia[b]	I and II	26 March 1992
	III	10 March 2008
Solomon Islands	I and II	19 September 1988
South Africa	I and II	21 November 1995
South Sudan	I, II and III	25 January 2013
Spain[c]	I[c] and II	21 April 1989
	III	10 December 2010
State of Palestine	I[c]	2 April 2014
	II and III	4 January 2015
Sudan	I	7 March 2006
	II	13 July 2006
Suriname	I and II	16 December 1985
	III	25 June 2013
Sweden[b]	I[c] and II	31 August 1979
	III[c]	21 August 2014
Switzerland[b]	I and II	17 February 1982
	III[c]	14 July 2006
Syrian Arab Republic	I[c]	14 November 1983
Tajikistan[b]	I and II	13 January 1993
The former Yugoslav Republic of Macedonia[b]	I[c] and II	1 September 1993
	III	14 October 2008
Timor-Leste	I and II	12 April 2005
	III	29 July 2011
Togo[b]	I and II	21 June 1984
Tonga[b]	I and II	20 January 2003
Trinidad and Tobago[b]	I and II	20 July 2001
Tunisia	I and II	9 August 1979
Turkmenistan	I and II	10 April 1992
Uganda	I and II	13 March 1991
	III	21 May 2008

State	Protocol	Date of ratification, accession or succession
Ukraine[c]	I and II	25 January 1990
	III	19 January 2010
United Arab Emirates[b]	I[c] and II[c]	9 March 1983
United Kingdom of Great Britain and Northern Ireland[b]	I[c] and II[c]	28 January 1998
	III[c]	23 October 2009
United Republic of Tanzania	I and II	15 February 1983
United States of America	III[c]	8 March 2007
Uruguay[b]	I and II	13 December 1985
	III	19 October 2012
Uzbekistan	I and II	8 October 1993
Vanuatu	I and II	28 February 1985
Venezuela (Bolivarian Republic of)	I and II	23 July 1998
Viet Nam	I	19 October 1981
Yemen	I and II	17 April 1990
Zambia	I and II	4 May 1995
Zimbabwe	I and II	19 October 1992

[a] The list was provided by Switzerland as Depository of the Geneva Conventions and Additional Protocols. Information was taken from the website of the Swiss Federal Department of Foreign Affairs (www.dfae.admin.ch/depositaire).

[b] Party which has made the declaration provided for under article 90 of Protocol I.

[c] Ratification, accession or succession accompanied by a reservation and/or a declaration.